

UNITED STATES DISTRICT COURT

(Local Form 12/05 lrb)

Northeastern Division—District of North Dakota**ORDER OF DETENTION PENDING TRIAL****United States of America vs. Adan Nieves Martinez a/k/a Adam Martinez Case No. 3:06-cr-78-03**

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of defendant pending trial in this case.

PART I—FINDINGS OF FACT

X Alternative A – Both of the following facts are present:

- X (1) There is probable cause to believe that defendant has committed an offense
 X for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 801 et seq.
☐ under 18 U.S.C. § 924(c), § 956(a), or § 2332b.

- X (2) Defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of the community.

☐ **Alternative B** – One or both of the following facts are present:

- ☐ (1) There is a serious risk that defendant will not appear.
- ☐ (2) There is a serious risk that defendant will endanger the safety of another person or the community.

☐ **Alternative C** – One of the following facts is present:

- ☐ (1) Defendant does not contest detention at this time.
- ☐ (2) Defendant is ineligible for release at this time.

PART II—WRITTEN STATEMENT OF REASONS FOR DETENTION

I find that the credible testimony and information submitted at the hearing establishes that

Adan Nieves Martinez offered no evidence to rebut the presumption of detention pending trial, but relied on information contained in the Pretrial Services Report and argument of counsel. Mr. Martinez did not propose a specific combination of conditions for his release, asserting only that one of his brothers would allow him to live with him pending trial.

Mr. Martinez faces multiple charges involving significant drug quantities, and potential application of significant minimum mandatory prison terms. Although he has family members in this District and in the neighboring District of Minnesota, he also has significant family ties to Mexico, and has traveled between this country and Mexico several times within the past seven months.

This Court concludes Mr. Martinez has not rebutted the presumption of detention pending trial at this time.

PART III—DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 26th day of July, 2006.


 Alice R. Senechal
 U.S. Magistrate Judge